

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

UNITED STATES OF AMERICA

v.

BRIAN CARPENTER

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DOCKET NO. 3:19-CR-00452-X

**UNOPPOSED JOINT MOTION TO APPOINT COORDINATING DISCOVERY
ATTORNEY**

TO THE HONORABLE JUDGE OF SAID COURT:

For the reasons that follow, the undersigned counsel for the Defendants, Brian Carpenter and Jerry Hawrylak, respectfully request that the Court appoint the Office of the Federal Public Defender as the coordinating discovery attorney in this matter.

The two defendants in this case are charged in a 12-page indictment with one (1) count of conspiracy to commit health care fraud and six (6) counts of health care fraud. The Government has already produced seven rounds of discovery totaling approximately 2.23 terabytes of data. To the Government's credit, they have produced the discovery bates numbered and in a format that can easily be loaded into a software program designed to search e-discovery.

The problems associated with organizing and searching through this amount of voluminous material are well documented in "Criminal E-Discovery, A Pocket Guide for Judges." The costs alone should provide an indication of the difficulties faced by each of the defendants. Counsel has received a quote from a software vendor who has stated that it would cost close to \$8,000 - \$10,000 per month (per defendant) to host a production of the amount of data at issue here, which would then enable the defendants to utilize the search software. The software vendor's quote could dramatically increase if the Government were to provide additional discovery.

As in other document and file intensive cases, there is a need for the parties to consolidate resources. This need stems from both principles of fairness and pragmatic considerations alike. Possessing the capability to search the discovery is essential to ensuring each of the defendants receive adequate representation. Given the costs associated with this volume of discovery, it is prohibitively expensive for the defendants to collectively obtain the software to search this discovery once, much less for each of the two defendants independently.

Appointing a coordinating discovery attorney would enable the Court and the Government to work with one person regarding any discovery issues in this case. A discovery attorney would act as a conduit between the defense, the Government, and the Court. Jason Hawkins, the Federal Public Defender for the Northern District of Texas, has agreed to utilize the resources of his office to assist with this voluminous discovery and to act as the coordinating discovery attorney. The FPD's office has the capability to host this discovery on a document-review platform using Summation. The use of Summation will allow the defense to organize and search through the discovery in an efficient and cost-effective manner. In addition, the use of Summation would allow the defendants to expedite their preparation for trial.

There is local precedent for a district court to appoint a discovery coordinator. Moreover, in prior cases where the Federal Public Defender's Office hosted discovery using Summation, there was a substantial cost savings to the parties and the Court. Accordingly, the undersigned counsel respectfully request that the Court appoint the Federal Public Defender's Office for the Northern District of Texas as the coordinating discovery attorney.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court enter an Order granting this Motion and appointing the Federal Public Defender's Office as the coordinating discovery attorney in this matter.

Respectfully submitted,

/s/ Daniel K. Hagood, P.C.

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COUNSEL FOR DEFENDANT CARPENTER

CERTIFICATE OF CONFERENCE

I hereby certify that on the 29th day of May, 2020, I have conferred with USDOJ Trial Attorney Brynn Schiess regarding the foregoing motion, and that she is unopposed to the filing of same. I further certify that I have conferred with counsel of record for Defendant Hawrylak regarding the foregoing motion and that he is unopposed to (and has joined in) the filing of same.

/s/ Daniel K. Hagood
DANIEL K. HAGOOD, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of May, 2020, a true and correct copy of the foregoing motion was filed with the Clerk of the Court for the United States District Court, Northern District of Texas using the electronic case filing system, which provides for service upon all counsel of record.

/s/ Daniel K. Hagood
DANIEL K. HAGOOD, P.C.